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In re Application of
CAWTHORNE
Application No.: 10/534,377
PCT No.: PCT/SE03/01760
Int. Filing Date: 13 November 2003
Priority Date: 15 November 2002
Atty Docket No.: 06275-454US1
For: PROCESS TO MINIMIZE LOSS THROUGH
ADHESION TO EQUIPMENT SURFACES

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Response to Notification of Missing Requirements" filed 03 January 2006 in the United States Patent and Trademark Office (USPTO). The communication is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 13 November 2003, applicant filed international application PCT/SE03/01760, which claimed a priority date of 15 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 June 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 15 May 2005.

On 09 May 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and a preliminary amendment.

On 25 November 2005, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 03 January 2006, applicant filed the present petition indicating that a declaration of the inventor and power of attorney had been filed with the original papers on 09 May 2005.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "JC03 Rec'd PCT/PTO 09 MAY 2005" and clearly identifies in part: "Combined Declaration and Power of Attorney (2 Pages)" as well as listing the applicant, serial number, title and attorney docket number. The postcard has not been annotated in any way to indicate that the declaration and power of attorney was not received by the Office. The evidence is sufficient to establish that the executed declaration and revocation of power of attorney were received in the USPTO on 09 May 2005. Applicant has certified that the presently filed copy of the document is a true and complete copies of the paper originally filed on 09 May 2005. As such, it is proper to accept the presently filed declaration of inventor Cawthorne as having been filed on 09 May 2005 and to GRANT applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 25 November 2005 is hereby VACATED.

The application will be given an international filing date of 13 November 2003 under 35 U.S.C. 363 and a date of **09 May 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely 1) the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.



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